

Message

**From:** Kupchan, Simma [Kupchan.Simma@epa.gov]  
**Sent:** 1/4/2021 5:21:58 PM  
**To:** Neugeboren, Steven [Neugeboren.Steven@epa.gov]  
**CC:** Hicks, Matt [Hicks.Matthew@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]; Palmer, Leif [Palmer.Leif@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]; Creswell, Michael [Creswell.Michael@epa.gov]; Rubini, Suzanne [Rubini.Suzanne@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Prabhu, Aditi [Prabhu.Aditi@epa.gov]  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)** for your review - not urgent  
**Attachments:** Florida 404 codification notice WLO 12.23.20.docx

Thanks, Steve.

I have incorporated Andy's edits into the opening summary. Do you want to take a quick look before I send to OWOW for their transmission to Jess?

I will try to wrap up the rest of my review quickly and ask for OWOW and R4 review today. OWOW is ready to move on this very quickly, and I know R4 is as well.

## Ex. 5 Deliberative Process (DP)

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>  
**Sent:** Monday, January 4, 2021 12:03 PM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Cc:** Hicks, Matt <Hicks.Matthew@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)** for your review - not urgent

Simma – That approach makes sense to me, subject to a couple of things

## Ex. 5 Deliberative Process (DP)

Thanks!

Steven Neugeboren  
Associate General Counsel for Water  
United States Environmental Protection Agency  
Mailcode 2355A  
1200 Penn. Ave., N.W.  
Washington DC 20460  
(202) 564-5488

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**From:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Sent:** Monday, January 4, 2021 11:52 AM  
**To:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>  
**Cc:** Hicks, Matt <Hicks.Matthew@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>  
**Subject:** RE: Ex. 5 Deliberative Process (DP) for your review - not urgent

Hi all,

Here's the current status:

Prior draft notice (attached)

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## Ex. 5 Deliberative Process (DP)

Revised draft notice

- I will incorporate/accept Andy's, Matt's and my comments into the revised draft, as Steve seems comfortable with them, and send that revised document to all of you and OWOW shortly. As soon as WLO, R4, and OWOW sign off, we can send to David for his review.

Please let me know if you have any questions or concerns. Thanks!

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>  
**Sent:** Monday, January 4, 2021 11:02 AM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Cc:** Hicks, Matt <Hicks.Matthew@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>  
**Subject:** RE: Ex. 5 Deliberative Process (DP) for your review - not urgent

Thank you Andy for your review and I agreed with your comments.

I'm adding Carrie – Simma – do you need to give her access? What are the next steps and timing needs here? Assume we want to get OWOW/review and and run by David very quickly. Thanks.

Steven Neugeboren  
Associate General Counsel for Water  
United States Environmental Protection Agency  
Mailcode 2355A  
1200 Penn. Ave., N.W.  
Washington DC 20460  
(202) 564-5488

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**From:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Sent:** Thursday, December 24, 2020 12:09 AM  
**To:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>  
**Cc:** Hicks, Matt <Hicks.Matthew@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>  
**Subject:** Ex. 5 Deliberative Process (DP) for your review - not urgent

Thanks, Steve, for all of your work on the codification notice. I've just made a few edits.

Florida team, I think you can review this at your leisure. I'll send the revisions to OWOW to review to make sure that the other notice does not move while people are out.

I'll send out an emergency note if we need to finalize this, and therefore need urgent review, over the next week. I'll be out of the office but will check email at intervals.

Thanks again for all of your help, and have a great holiday!

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>  
**Sent:** Wednesday, December 23, 2020 6:58 PM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Cc:** Hicks, Matt <Hicks.Matthew@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>  
**Subject:** Re: Kupchan, Simma shared "Final Decision FRN 2- Ex. 5 Deliberative Process (DP) 12.23 edits" with you.

I just sent Simma my revisions which she will look at later tonight.

# Ex. 5 AC/DP

Steven Neugeboren  
Associate General Counsel for Water  
Environmental Protection Agency  
Mails code 2355A  
1200 Pennsylvania Ave, NW  
Washington DC 20460  
202-564-5488

On Dec 23, 2020, at 5:52 PM, Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)> wrote:

Thanks to all of you! We will send out an updated version soon, but we will probably wait to finalize it – we will give OW a heads up and ask about timing. Thanks.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>  
**Sent:** Wednesday, December 23, 2020 5:41 PM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Simons, Andrew <[Simons.Andrew@epa.gov](mailto:Simons.Andrew@epa.gov)>; Palmer, Leif <[Palmer.Leif@epa.gov](mailto:Palmer.Leif@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>; Creswell, Michael <[Creswell.Michael@epa.gov](mailto:Creswell.Michael@epa.gov)>  
**Cc:** Rubini, Suzanne <[Rubini.Suzanne@epa.gov](mailto:Rubini.Suzanne@epa.gov)>  
**Subject:** RE: Kupchan, Simma shared "Final Decision FRN 2- Ex. 5 Deliberative Process (DP) 12.23 edits" with you.

Leif was unavailable but Mita, Michael, and I have provided our input.

Thanks for the opportunity to review,

Matt

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**From:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Sent:** Wednesday, December 23, 2020 4:36 PM  
**To:** Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Simons, Andrew <[Simons.Andrew@epa.gov](mailto:Simons.Andrew@epa.gov)>; Palmer, Leif <[Palmer.Leif@epa.gov](mailto:Palmer.Leif@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>; Creswell, Michael <[Creswell.Michael@epa.gov](mailto:Creswell.Michael@epa.gov)>; Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>  
**Subject:** Kupchan, Simma shared "Final Decision FRN 2- Ex. 5 Deliberative Process (DP) 12.23 edits" with you.

All,

Attached is the **Ex. 5 Deliberative Process (DP)** with proposed edits. I welcome your feedback. Thanks.

— This link only works for the direct recipients of this message.

— Final Decision FRN 2- **Ex. 5 Deliberative Process (DP)** 12.23 edits

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